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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,921	02/20/2002	Timothy J. Bloch	J267.12-0001	2203

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EXAMINER

FRANCIS, MARK P

ART UNIT PAPER NUMBER

2193

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/081,921	BLOCH ET AL.	
	Examiner	Art Unit	
	Mark P. Francis	2193	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The Examiner has taken into consideration all of Applicants' arguments with respect to claims 1-22 but maintains his grounds of rejection. Following is the Examiner's response.

With respect to claims 1,8, and 16, Applicant essentially argues that Rice III et. al does not disclose to download text files, extract embedded program logic and assemble that logic into an application program to run.

In response the examiner differs, notes Col 9:0107-0109, it is here that Rice teaches that an e-mail or a web page can have a hyperlink to a certain application file or document file, containing text, that is remotely stored on a server. Rice also teaches that when the user or recipient clicks on the hyperlink, embedded information directs the client computer to a server computer that contains the text and user application files. Rice teaches that a thin-client is automatically downloaded to the user, and the application or program associated with the file is started on the remote application server computer. Later on, Rice mentions that a hyperlink may contain an embedded information or URL of a protocol file which may execute a series of instructions to download middleware(assembler) to the client machine from which the hyperlink was accessed. Rice also teaches that the application's output can be assembled into a "picture" by the middleware and sent to the web-enabling client located on the local machine. The hyperlink may contain embedded information, or the URL of a protocol file that contains information as to the executable code to run on the server. The protocol file is a text file that contains embedded logic of the executable code to be run on the server. Thus, Rice does disclose downloading text files, extract embedded program logic and assemble that logic into an application program to run.

In addition, Applicant essentially argues that Rice III does not teach downloading of a text file containing program logic that is then assembled by an assembler to run on the local device.

In response, the Examiner disagrees notes Col 9:0107-0109, it is here that Rice III teaches when a user clicks on a hyperlink, the information embedded directs the client computer to a server computer containing the data file and user application, a thin client along with the data file application is downloaded and started on the user's computer. In addition, Rice III discloses a hyperlink to the server-supported application may contain a protocol that can execute a series of instructions to download middleware or an assembler that can assemble the application's output into a "picture" based on the embedded information in the URL and then be sent to the web enabling client resident on the local machine. The protocol file is a text file that contains embedded logic of the executable code to be run on the server. Thus, Rice does teach downloading of a text file containing program logic that is then assembled by an assembler to run on the local device.

Also, Applicant argues that Rice III does not disclose downloading text files that are operating system independent, retrieve abstract program logic information from those text files, assemble a working application in memory on the local drive, and then run that application on the local device.

In response, the examiner differs notes Col 15: 0143-0145, it is here that Rice teaches that the AppLink Server includes an application remote-operation enabling middleware program along with associated application servers that run several different types of operating systems, Rice further mentions that the platform, operating system or resident applications of the recipient machines are not of any major concern since the thin client requires very limited processing power to run on. Rice teaches that the client could be running on a mainframe, A Unix server, or a Microsoft Windows server. Thus Rice does disclose downloading text files that are operating system independent, retrieve abstract program logic information from those text files, assemble a working application in memory on the local drive, and then run that application on the local device.

Also, Applicant essentially argues that Rice does not disclose retrieving embeded application logic from the application logic files.

In reply, the examiner differs notes Col 9:0109-0110, it is here that Rice teaches that when a user clicks on the hyperlink, information that is embedded into the link is retrieved and directs the client computer to a server computer that contains the data file and user application files to start. A thin-client is automatically downloaded to the user along with the application or program associated with the file is started on a remote server. Therefore, Rice does disclose retrieving embeded application logic from the application logic files.

With respect to claims 3 and 12, Applicant essentially argues that Rice does not disclose that the embedded application logic is operating system independent.

In reply, the examiner differs notes Col 15: 0143-0145, it is here that Rice teaches that the AppLink Server includes an application remote-operation enabling middleware program along with associated application servers that run several different types of operating systems, Rice further mentions that the platform, operating system or resident applications of the recipient machines are not of any major concern since the thin client requires very limited processing power to run on. Rice teaches that the client could be running on a mainframe, A Unix server, or a Microsoft Windows server. Thus Rice does disclose that the embedded application logic is operating system independent.

With respect to claims 6 and 7, Applicant essentially argues that Lloyd does not disclose a script engine on a local device.


In response, the Examiner disagrees, notes Col 9:27-40, it is here that Lloyd teaches that the web server includes a memory, a secondary storage device, and a CPU. The memory includes web software that also includes Common Gateway Interface scripts to create dynamic HTML files. Therefore, Rice does disclose a script engine on a local device.

Applicant also argues with respect to claims 6 and 7, that Rice does not teach anything like the present invention and so there is no way that someone of ordinary skill would be able to add a script engine to Rice's invention.

In reply, the examiner disagrees, Rice does teach the same invention as claimed by applicant and someone of ordinary skill in the art would add a script engine to Rice's invention for the purpose of providing a method for processing an image with attributes where the method modifies at least one of the attributes of the image to make a resultant image responsive to user input, stores the image persistently on a secondary storage device, and retrieves the image from the secondary storage device responsive to user input requesting a reversal of the attribute modification as noted in Lloyd Col 3:27-35.

Lastly, with respect to claims 6 and 7, Applicant argues that Lloyd does not disclose a component layout handler for doing layout of user input components such as labels, textfields, buttons, combo boxes, tables, menubars, etc that are specified in abstract form in a text file that is downloaded from a server, then assembled and run by an AVM.

In response, the Examiner notes that Applicant is arguing limitations that are not defined in either claims 6 or 7 and are not given merit. Claims 7 merely defines a layout handler which is taught by Lloyd in Col 17:19-50, it is here that Lloyd teaches that a management tool program loads a source image from secondary storage device, crops, scales and colors the source image using default settings, and saves it as a destination image into a persistent cache area with a transparent background. Thus Lloyd does disclose a layout handler for analyzing positioning properties of a group of elements and translating them into component dimensions and coordinates for display as defined in Claim 7.



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